

SPI033828-55

**PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA**

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing. Postal code: 100088

Zip Code: 100020 China Sinda Intellectual Property Ltd. China Garment Mansion No. 99 Jianguo Road, Chaoyang District, Beijing 100020, China. Yuqin WU Hongxia GU	Examiner:	
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Application No:	2004100012 50.3	Department and the type of Notification:	Date of Issuing:
Applicant:	LG ELECTRONICS INC.		November 25, 2005
Title of Invention:	VACUUM CLENAER		

**NOTIFICATION OF FIRST OFFICE ACTION**

1. ☒ According to the request for substantive examination made by applicant, in accordance with the provisions of Paragraph 1 of Article 35 of the Chinese Patent Law, the Examiner proceeds with the examination as to substance of the above-identified patent application for invention.
- ☐ In accordance with the provisions of Paragraph 2 of Article 35 of the Chinese Patent Law, the Chinese Patent Office has, on its own initiative, decided to proceed with the examination as to substance of the above-identified patent application for invention.

2. ☒ Applicant claims the application dated

June 12, 2003 when the previous application was filed with KR as the priority date,  
\_\_\_\_\_ when the previous application was filed with \_\_\_\_\_ as the priority date,  
\_\_\_\_\_ when the previous application was filed with \_\_\_\_\_ as the priority date,  
\_\_\_\_\_ when the previous application was filed with \_\_\_\_\_ as the priority date,  
\_\_\_\_\_ when the previous application was filed with \_\_\_\_\_ as the priority date,

☒ Applicant has furnished the copy of the first-filed application documents certified by the Receiving Administration of the prior filing State.

☐ Applicant has not yet furnished the copy of the first application documents certified by the Receiving Administration of the prior filing State. According to the provision of Article 30 of the Chinese Patent Law, the claim for the priority shall be deemed not to have been made.

3. ☐ Applicant submitted the amended documents on \_\_\_\_\_ and on \_\_\_\_\_

Upon examination, the amendment submitted on \_\_\_\_\_ can not be accepted;  
the amendment submitted on \_\_\_\_\_ can not be accepted;

Because the amendment(s) is (are) not in conformity with

☐ Article 33 of the Chinese Patent Law.

☐ Rule 51 of the Implementing Regulations of the Chinese Patent Law.

Please refer to the text of the OA in which the specific reason for refusing to accept the amendments is stated.

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4. ☒ The examination is conducted on the basis of the initial application documents.

☐ The examination is conducted on the basis of the following application documents:

Pages \_\_\_\_ of the Claims, pages \_\_\_\_ of the Description and pages \_\_\_\_ of the Drawings of the initial documents submitted on the filing date;

Claims \_\_\_\_\_, pages \_\_\_\_ of the Description and pages \_\_\_\_ of the Drawings of the documents submitted on \_\_\_\_\_;

Claims \_\_\_\_\_, pages \_\_\_\_ of the Description and pages \_\_\_\_ of the Drawings of the documents submitted on \_\_\_\_\_;

Abstract submitted on \_\_\_\_\_.

5. ☐ The notification is made without search.

☒ The notification is made with search.

☒ The following references are cited in the notification. The codes of the references will be used in the further procedure of examination:

Code	Reference No. or Title	Publication Date (or Filing Date of Conflict Application)
1.	CN 2488461 Y	May 1, 2002
2.	CN 2435590 Y	June 20, 2001

6. Conclusive opinion:

☐ Regarding the Description

☐ The content of the application belongs to the scope of Article 5 of the Chinese Patent Law which can not be granted.

☐ The Description is unconformity with the provisions of Paragraph 3 of Article 26 of the Chinese Patent Law.

☐ The Description is unconformity with the Article 33 of the Chinese Patent Law.

☐ The presentation manner of the Description is unconformity with Rule 18 of the implementing Regulations of the Chinese Patent Law.

☒ Regarding the Claims

☐ Claims \_\_\_\_ do not possess the novelty under Paragraph 2 of Article 22 of the Chinese Patent Law.

☒ Claims 1-3, 13-15 do not possess the inventiveness under Paragraph 3 of Article 22 of the Chinese Patent Law.

☐ Claims \_\_\_\_\_ do not possess the practical applicability under Paragraph 4 of Article 22 of the Chinese Patent Law.

☐ Claims \_\_\_\_ fall in the scope of Article 25 of the Patent Law which can not be granted.

☒ Claims 5, 17 do not meet the requirement of Paragraph 4 of Article 26 of the Chinese Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirement of Paragraph 1 of Article 31 of the Chinese Patent Law.

☐ Claims \_\_\_\_ do not meet the requirements of Article 33 of the Patent Law.

- ☐ Claims \_\_\_\_\_ don't comply with the interpretation of invention under Paragraph 1 of Rule 2 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims \_\_\_\_\_ do not meet the requirements of Paragraph 1 of Rule 13 of the Implementing Regulations of the Chinese Patent Law.
- ☒ Claims 13-20 do not meet the requirements of Rule 20 of the Implementing Regulations of the Chinese Patent Law.

Please refer to the text of the notification in detail for the above.

7. Based on the above conclusive opinion, the examiner points out that

- ☐ The applicant should amend the application documents according to the requirements of the text of the notification.
- ☒ The applicant should state the reason that the application may be granted in his observation and amend the application documents according to the teaching of the text of the notification, otherwise, the application may not be granted.
- ☐ No any substantive contents to be granted are presented in the application. If the applicant does not submit his observation or his observation is not reasonable, the application will be rejected.
- ☐

8. Following items shall come to applicant's attention:

- (1) According to Article 37 of the Chinese Patent Law, applicant should submit his observation within 4 months from the date he receives the notification. If, without any justified reason, the time limit for making a response is not meet, the application will be deemed to be withdrawn.
- (2) The amendments to the application documents should meet the requirement of Article 33 of the Chinese Patent Law. The amendment text should be submitted in two copies and the amending manner should comply with the relevant regulations of the Examination Guide.
- (3) The observation and / or amendment documents should be mailed to or submitted directly to the Receiving Section of the Chinese Patent Office, otherwise, the submitted documents have no legal effect.
- (4) The applicant and / or attorney may not meet the examiner if an appointment has not been made.

9. The text of this notification consists of 3 pages, including the following annexes:

- ☒ 13 pages of 2 copies of the cited references.

## Text of the First Office Action

The present application relates to a vacuum cleaner. Upon examination, the Examiner gives the following comments:

I. Claims 1-3 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law.

1. Independent claim 1 relates to a vacuum cleaner. D1 (see page 2, line 11—page 3, last line and Fig. 1) discloses a cleaner having a blowing device, comprising:

- (1) a casing having upper and lower cavities 8 and 26 defining a certain internal space;
- (2) a motor (corresponding to the "suction force generating unit" in claim 1) installed in the upper cavity 8 in the casing;
- (3) a filtering core 11 (corresponding to the "filter unit" in claim 1) installed between the upper and lower cavities 8 and 26 in the casing for filtering off impurities in air sucked from the outside;
- (4) an air-check valve 18 installed on a suction tube wall and an air-release valve 3 installed in the casing (which correspond to the "flow channel switch means" in claim 1) for selectively switching a flow channel of air flowing through among a flexible suction tube 14 and a rigid suction tube 21 (which correspond to the "head unit" in claim 1), the filtering core 11 (corresponding to the "filter unit" in claim 1) and the motor 9 (corresponding to the "suction force generating unit" in claim 1); and
- (5) pipes 12, 17 and 22 for providing passages of air flowing through among the flexible suction tube 14, the rigid suction tube 21, the filtering core 11, the motor 9 and the air-check valve 18.

Claim 1 differs from D1 in that the vacuum cleaner in claim 1 further comprises a "head unit connected with the casing so as to have cleaning implement and provide a flow channel for removing impurities outside".

Since the cleaner of D1 is used for cleaning electronic elements within an electric product, it does not include a special head unit. However, the cleaner of D1 comprises a flexible suction tube 14 and a rigid suction tube 21 connected to the casing. The flexible suction tube 14 and the rigid suction tube 21 per se are capable of sucking air with impurities and blowing a high-pressure gas to clean dusts in corners or slots where an ordinary cleaner cannot reach. Accordingly, those skilled

in the art can readily think of providing a special head unit at an end of the rigid suction tube 21 of the cleaner of D1 to solve the technical problem of the present invention. It is obvious to those skilled in the art that the technical solution of claim 1 can be obtained on the basis of D1 in combination with conventional techniques in the art. Therefore, claim 1 does not possess inventiveness.

2. Claim 2 further limits claim 1. However, the additional technical features of claim 2 are either disclosed by D1 (see page 2, line 11—page 3, last line and Fig. 1) or related to conventional techniques in the art for the following reasons:

(1) In D1, a rigid blowing tube 22 is formed on one side of the air-check valve 18. As mentioned above, those skilled in the art can readily think of providing a special head unit at an end of the rigid suction tube 21 of the cleaner of D1 to solve the technical problem of the present invention. Thus, the rigid blowing tube 22, which can be connected to the head unit, corresponds to "head unit connecting pipe" in claim 2.

(2) In D1, a flexible blowing tube 12 and a rigid blowing tube 17, which are installed between the air-check valve 18 and the filtering core 11, correspond to the "main inflow pipe" in claim 2.

(3) In D1, the filtering core 11 and the motor 9 are connected. Although D1 does not employ a guide pipe for connecting them, the use of such a guide pipe is common in the art.

(4) In D1, the air-release valve 3 is used for allowing the air flowing from the filtering core 11 into the motor 9 to be discharged to the outside. Although D1 does not provide a main discharge pipe, the use of such a main discharge pipe is common in the art.

(5) In order to discharge air, it is common in the art to provide a sub-discharge pipe for connecting the flow channel switch means with the main discharge pipe.

Therefore, when claim 1 lacks inventiveness, claim 2 which refers to it also lacks inventiveness.

3. Claim 3 further limits claim 2. D2 (see page 1, line 4 from the bottom—page 2, last line and Figs. 1-3) discloses a four-channel, rotary, switch valve, comprising:

(1) a valve body 1 (corresponding to the "valve housing" in claim 3) having four through holes for connecting four pipes; and

(2) a valve core 2 (corresponding to the "flow channel switch valve" in claim 3) rotatively inserted into the valve body 1, the valve core having two arcuate

channels connected with the four through holes.

The above features of D2 are used for switching air flow channels. Accordingly, those skilled in the art can readily think of applying the switch valve of D2 to D1 to thereby solve its technical problem. In addition, during the application of the switch valve, it is within the capability of those skilled in the art to install the valve body 1 to a casing and have the through holes in the valve body 1 connected to specific pipes. Therefore, when claim 2 lacks inventiveness, claim 3 which refers to it also lacks inventiveness.

## II. Other defects of the claims

### 1. Claim 5 does not comply with Article 26, Paragraph 4 of the Chinese Patent Law.



According to the Description (see page 6, lines 15-23 of the English Description), a second through hole 21b is formed so as to be horizontal to a first through hole 21a along the circumference and be at an interval of 90 degrees, and a third through hole 21c is formed so as to be horizontal to the second through hole 21b along the circumference and be at an interval of 180 degrees. That is, these three through holes are not formed at an interval of 90 degrees from each other. However, claim 5 states that "the plural through holes of the valve housing are formed at an interval of 90 degrees from each other". Obviously, claim 5 is not supported by the Description under Article 26, Paragraph 4 of the Chinese Patent Law.

2. Independent claim 13 relates to a vacuum cleaner. However, the vacuum cleaner of claim 13 includes the same structural components as the vacuum cleaner of claim 1. Although claim 13 functionally defines the specific components of the vacuum cleaner, the components having the same structural features in the present application must have essentially the same functions. Therefore, claims 13 and 1 have essentially the same scope of protection, which does not meet the conciseness requirement of Rule 20, Paragraph 1 of the Implementing Regulations of the Chinese Patent Law. Similarly, dependent claims 14-20 do not meet the conciseness requirement of Rule 20, Paragraph 1 of the Implementing Regulations of the Chinese Patent Law either. The applicant should delete either claims 1-12 or claims 13-20. Meanwhile, since claims 13-15 and 17 are essentially the same as claims 1-3 and 5, claims 13-15 lack inventiveness under Article 22, Paragraph 3 of the Chinese Patent Law and claim 17 is not supported by the Description under Article 26, Paragraph 4 of the Chinese Patent Law (see the above comments).

The applicant should make observations and amend the application in accordance with the above comments within the specified time limit. In particular, the applicant should amend the claims according to the reference documents cited herein, and should provide arguments for the inventiveness of the amended independent claims over the reference documents and the prior art mentioned in the original Description.

After amending the Claims, the applicant should adapt the Description to the amended Claims. Note that the amendments to the application shall not go beyond the disclosure of the original Description and Claims under Article 33 of the Chinese Patent Law.



邮政编码: 100032 北京市西城区金融街 19 号富凯大厦 B 座 11 层 中原信达知识产权代理有限责任公司 武玉琴, 顾红霞		发文日期 
申请号: 2004100012503		
申请人: LG 电子株式会社		绝 限
发明创造名称: 真空吸尘器		2006-04-10

## 第一次审查意见通知书

1. ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以其在:  
    KR 专利局的申请日 2003 年 06 月 12 日为优先权日,  
    专利局的申请日 年 月 日为优先权日,  
    专利局的申请日 年 月 日为优先权日,  
    专利局的申请日 年 月 日为优先权日,  
    专利局的申请日 年 月 日为优先权日。  
☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。  
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
3. ☐ 经审查, 申请人于:  
    年 月 日提交的 不符合实施细则第 51 条的规定;  
    年 月 日提交的 不符合专利法第 33 条的规定;  
    年 月 日提交的
4. 审查针对的申请文件:  
☒ 原始申请文件。 ☐ 审查是针对下述申请文件的  
申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;  
    年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
    年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
    年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
    年 月 日提交的说明书摘要, 年 月 日提交的摘要附图。
5. ☐ 本通知书是在未进行检索的情况下作出的。  
☒ 本通知书是在进行了检索的情况下作出的。  
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):  
    编号 文件号或名称 公开日期(或抵触申请的申请日)  
    1 CN 2488461 Y 2002-05-01  
    2 CN 2435590 Y 2001-06-20
6. 审查的结论性意见:  
☐ 关于说明书:  
☐ 申请的内容属于专利法第 5 条规定的不予授予专利权的范围。



- ☐ 说明书不符合专利法第 26 条第 3 款的规定。  
☐ 说明书不符合专利法第 33 条的规定。  
☐ 说明书的撰写不符合实施细则第 18 条的规定。  
☐

☒ 关于权利要求书:

- ☐ 权利要求 不具備专利法第 22 条第 2 款规定的新颖性。  
☒ 权利要求 1-3、13-15 不具備专利法第 22 条第 3 款规定的创造性。  
☐ 权利要求 不具備专利法第 22 条第 4 款规定的实用性。  
☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。  
☒ 权利要求 5、17 不符合专利法第 26 条第 4 款的规定。  
☐ 权利要求 不符合专利法第 31 条第 1 款的规定。  
☐ 权利要求 不符合专利法第 33 条的规定。  
☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。  
☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。  
☒ 权利要求 13-20 不符合专利法实施细则第 20 条的规定。  
☐ 权利要求 不符合专利法实施细则第 21 条的规定。  
☐ 权利要求 不符合专利法实施细则第 22 条的规定。  
☐ 权利要求 不符合专利法实施细则第 23 条的规定。  
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。  
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。  
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。  
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。  
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。  
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。  
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 3 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 2 份 13 页。 ☐

## 第一次审查意见通知书正文

申请号：2004100012503

本申请涉及一种真空吸尘器，经审查，现提出如下的审查意见。

### 一、权利要求1-3不符合专利法第二十二条第三款规定的创造性。

1. 独立权利要求1请求保护一种真空吸尘器。对比文件1（参见说明书第2页11行至第3页最后一行，附图1）公开了一种带有吹气装置的吸尘器，其包括：1) 内部具有上、下腔体8和26的一定空间的外壳；2) 安装在外壳的上腔体8中的电机（相当于吸力生成部件）；3) 安装在外壳中上、下腔体8和26之间的滤芯11（相当于过滤部件），用于过滤从外界吸入的空气中的杂质；4) 安装在吸气管壁上的止气阀18以及安装在机壳中的放气阀3（相当于流动通道切换装置），用于在吸气软管14和吸气硬管21（相当于吸尘头部件）、滤芯11（相当于过滤部件）以及电机9（相当于吸力生成部件）之中有选择地切换空气流过的流动通道；5) 管道12、17和22，用于在吸气软管14和吸气硬管21、滤芯11、电机9以及止气阀8之中提供空气流过的通道。

权利要求1与对比文件1的区别在于：真空吸尘器还包括与外壳相连的吸尘头部件，其具有清洁用具并提供用于清除外界杂质的流动通道。

由于对比文件1中的吸尘器是用于清扫电器产品内部电子元器件，因此它不具备专门的吸尘头部件，但是其包括与外壳相连的吸气软管14和吸气硬管21，所述吸气软管14和吸气硬管21本身既能吸入带杂质的空气又能吹出高压气体清扫普通吸尘器不易到达的角落、缝隙的灰尘，因此本领域的普通技术人员很容易想到在对比文件1中披露的吸尘器的吸气硬管21的端部加上专门的吸尘头部件以解决技术问题。由此可知，在对比文件1的基础上结合本领域普通技术人员的基本技能得出权利要求1所要求保护的技术方案，对本领域的普通技术人员来说是显而易见的，因此权利要求1不具备创造性。

2. 权利要求2是对权利要求1的进一步限定，然而所限定的内容要么被对比文件1（参见说明书第2页11行至第3页最后一行，附图1）公开，要么属于本领域普通技术人员的常用手段：1) 对比文件1中的吹气硬管22形成在止气阀18的一侧，如前所述，本领域普通技术人员很容易想到在对比文件1中披露的吸尘器的吸气硬管21的端部加上专门的吸尘头部件以解决技术问题，那么吹气硬管22即可与吸尘头部件相连，相当于权利要求2中的吸尘头部件连接管；2) 对比文件1中的吹气软管12和吹气硬管17

安装在止气阀18与滤芯11之间，相当于主流入管；3）对比文件1中的滤芯11和电机9是通的，虽然它们没有设引导管连通，但是这只是本领域的普通技术人员的常用手段；4）对比文件1中的放气阀3用于使从滤芯11流进电机9的空气排放到外界，虽然它们没有设主排气管，但是这只是本领域的普通技术人员的常用手段；5）为了排气，本领域的普通技术人员常用的手段就是在设副排气管连接流动通道切换装置和主排气管。因此，在其引用的权利要求不具备创造性的前提下，该权利要求不具备创造性。

3. 权利要求3是对权利要求2的进一步限定。对比文件2（参见说明书第1页倒数第4行至第2页最后一行，附图1-3）公开了一种四通旋转切换阀，其包括：1）阀体1（相当于阀壳），该阀体上具有四个通孔以连接四根管道；2）转动地插入阀体1的阀芯2（相当于流动通道切换阀），该阀芯具有两条弧形通道与四个通孔相连，且上述特征在对比文件2中的作用是切换气体流动通道，因此本领域的普通技术人员很容易想到将对比文件2中的切换阀应用到对比文件1中以解决技术问题。至于在应用过程中，将阀体1安装到外壳上，将阀体1上的通孔与具体的管道相连则是本领域的普通技术人员的基本技能，因此，在其引用的权利要求不具备创造性的前提下，该权利要求不具备创造性。

## 二、权利要求的其它缺陷：

### 1. 权利要求5不符合专利法第二十六条第四款的规定。

根据说明书的记载（参见说明书第4页第29行至第5页第5行，附图4），第二通孔21b形成为沿圆周与第一通孔21a水平并与第一通孔21a间隔90度角，第三通孔21c形成为沿圆周与第二通孔21b水平并与第二通孔21b间隔180度角，也就是说这三个通孔之间并非彼此间隔90度角，然而该权利要求却限定阀壳的多个通孔彼此间隔90度角，这显然得不到说明书的支持，不符合专利法第二十六条第四款的规定。

2. 独立权利要求13请求保护一种真空吸尘器，但权利要求13中的真空吸尘器包括的结构部件与权利要求1中的真空吸尘器包括的结构部件相同，虽然权利要求13是对真空吸尘器的具体部件的功能性限定，但是实质上本申请中相同结构特征的结构部件必然具有相同的功能，从而造成权利要求13和权利要求1请求保护的实质范围一样，因此不符合专利法实施细则第二十条第一款有关权利要求书整体应当简要的规

定。同理，从属权利要求14-20同样不符合专利法实施细则第二十条第一款有关权利要求书整体应当简要的规定。申请人应当删去权利要求1-12或权利要求13-20两组中任一组，以克服上述缺陷。同时，由于权利要求13-15、17分别与权利要求1-3、5实质相同，因此结合前面的评述可知，权利要求13-15也不符合专利法第二十二条第三款规定的创造性，权利要求17得不到说明书的支持，也不符合专利法第二十六条第四款的规定。

申请人应在本通知书指定的答复期限内作出答复，对本通知书中提出的所有问题逐一详细地作出说明，并根据本通知书的意见对专利申请文件作出修改，尤其是应根据本通知书中引用的对比文件修改独立权利要求以及相应的从属权利要求，并在意见陈述书中论述新修改的独立权利要求相对于本通知书中引用的对比文件以及原说明书中提到的申请日前的现有技术具有创造性的理由。此外，说明书应根据修改后的权利要求书作适应性修改。申请人对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书的记载范围。

审查员：贺伟

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